

## REMARKS

Claims 1, 8, 11, 14, 18, 20, 21, 28 and 31 are pending in the present Office Action.

In response to the Final Office Action, mailed on April 25, 2007, Applicants respectfully request the amendments be entered under 37 CFR §1.116 because independent claims 1 and 21 are amended to clarify the claimed subject matter by removing the language “coaxially” in the claims. Dependent claims 8, 11, and 20 are canceled so that the remaining dependent claims do not include limitations of more than one disclosed embodiment. Therefore, no new matter is added by this amendment.

### Objection to the Drawings

The drawings are objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. The Examiner states that one single embodiment having the probes arranged coaxially or concentrically and the probe arrangement being formed by dividing a cylindrical or circular shaped tube in the longitudinal direction and the two probes having the same central axis must be shown or the feature(s) canceled from the claim(s).

FIG. 1 (specification page 6-8) depicts coaxially arranged probes 17 and 26 sharing the same central axis through the inner hole 18. Inner hole 18 is a cylindrical-shaped or circular-tube-shaped structure in the longitudinal direction which allows the

first probe and the second probe to have substantially the same central axis, and thus the probe 26 and the vibration member 17 are divided in the longitudinal direction.

Therefore, FIG. 1 depicts probes 17 and 26 sharing the same central axis and the inner hole 18 being divided in the longitudinal direction so that the first probe and the second probe have substantially the same central axis and are divided in the longitudinal direction. Thus, FIG. 1 provides support for a single embodiment of the invention showing every feature of the invention specified in the claims.

Likewise, the calculus treatment system 101 according to a fifth embodiment of the invention, shown in FIGS. 12-15 includes an ultrasonic oscillating portion 140 (FIG. 13) positioned coaxially to an opening portion 124 (specification, page 39), and as the Examiner states, the probe arrangement formed by longitudinally dividing a cylindrical or circular tube in the longitudinal direction. Thus, the embodiments shown in FIGS. 12-15 and FIG. 1 support claim 1. Therefore, Applicants respectfully request the objection to the drawings be withdrawn.

#### **The Rejections under 35 USC §112**

In the Office Action, claims 1, 8, 11, 14, 18, 20, 21, 28 and 31 are rejected under 35USC §112, first paragraph, as failing to comply with the written description requirement. The Examiner alleges that the specification does not provide support for a single embodiment having the probes arranged coaxially or concentrically and the probe arrangement being formed by dividing a cylinder or circular shaped tube in the longitudinal direction and the two probes having the same central axis. The Examiner

states that Figs. 1, 3, 5 and 6 show the probes being coaxial or concentric or sharing the same central axis, but only Figs. 13-15 shown the probe arrangement formed by longitudinally dividing a cylindrical or circular tube in the longitudinal direction.

Claims 1 and 21 are amended herein to further clarify the subject matter of the invention by removing the language “coaxially” and leaving the language “arranged substantially concentrically”.

The first embodiment shown in FIG. 1 (specification page 6-8) depicts coaxially arranged probes 17 and 26 sharing the same central axis through the inner hole 18. Inner hole 18 is a cylindrical-shaped or circular-tube-shaped structure in the longitudinal direction which allows the first probe and the second probe to have substantially the same central axis. Thus, the embodiment of FIG. 1 depicts longitudinally dividing a cylinder or circular tube in the longitudinal direction. Therefore, the embodiment of FIG. 1 depicts a single embodiment having probes arranged coaxially or concentrically and the probe arrangement being formed by dividing a cylinder or circular shaped tube in the longitudinal direction and the two probes having the same central axis. Additionally, the calculus treatment system 101 according to a fifth embodiment of the invention, shown in FIGS. 12-15 includes an ultrasonic oscillating portion 140 (FIG. 13) positioned coaxially to an opening portion 124 (specification, page 39).

Applicants assert that the language of claims 1 and 21 directed to: “... a probe arrangement structure is provided in which the first probe and the second probe are

arranged substantially concentrically, and the arrangement structure is formed by dividing a cylindrical-shaped or circular-tube-shaped structure in the longitudinal direction so that the first probe and the second probe have substantially the same central axis.” is supported at least by FIGS. 1 and 13. In FIG. 1, the probe arrangement is formed by longitudinally dividing probes 17 and 26 which share the same central axis and the inner hole 18 is divided in the longitudinal direction so that the first probe and the second probe have substantially the same central axis, and the inner hole 18 is divided in the longitudinal direction so that the first probe and the second probe have substantially the same central axis and are divided in the longitudinal direction. Thus, FIG. 1 provides support for a single embodiment of the invention and support for the subject matter of claims 1 and 21.

Additionally, the calculus treatment system 101 according to a fifth embodiment of the invention, shown in FIGS. 12-15 includes an ultrasonic oscillating portion 140 (FIG. 13) positioned coaxially to an opening portion 124 (specification, page 39), and thus the oscillating portion 140 and the opening portion 124 are substantially concentrically arranged. Further, as the Examiner states, FIG. 13 shows the probe arrangement formed by longitudinally dividing a cylindrical or circular tube in the longitudinal direction. Thus, FIG. 13 depicts a single embodiment of the invention supporting the subject matter of both claims 1 and 21.

Dependent claims 14, 18, 28 and 31 having base claims 1 and 21, respectively, incorporate all of the structure of their base claims, and are believed allowable for at least

the same reasons discussed above, as well as for the additional subject matter claimed therein. Additionally, Applicants believe that the remaining dependent claims above do not include limitations of more than one disclosed embodiment.

Therefore, Applicants' believe the claims above to comply with 35 USC §112, first paragraph, and respectfully request the rejection be withdrawn and the claim allowed.

Applicants' believe that the paper submitted herein provides a complete response to the Office Action, and the present case is in condition for allowance. Therefore, in view of the foregoing, Applicants respectfully request entering of the amendments, reconsideration, withdrawal of all rejections, and allowance of all pending claims in due course. If the Examiner determines that anything further is desirable to place this application in even better form for allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,



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